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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,278	08/30/2001	Harold M. Jarrett JR.	Y01-051	8795

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EXAMINER

TOATLEY, GREGORY J

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,278

Applicant(s)

JARRETT, HAROLD M.

Examiner

Gregory J. Toatley, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The examiner respectfully suggests that the Applicant carefully review the specification for idiomatic and grammatical errors, which may have inadvertently overlooked.

Art Rejection Rationale

At the outset, the examiner notes that claims are to be given their broadest reasonable interpretation during prosecution. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969); In re Yamamoto, 740 F.2d 1569, 222 USPQ 934 (Fed. Cir. 1984); Burlington Indus. V. Quigg, 822 F.2d 1581, 3 USPQ2d 1436 (Fed. Cir. 1987); In re Morris, 43 USPQ2d 1753, 1756 (Fed. Cir. 1997). In responding to this Office action, applicants are reminded of the requirements of 37 CFR §§ 1.111 and 1.119 that applicants specifically point out the specific distinctions believed to render the claims patentable over the references in presenting responsive arguments. See M.P.E.P. § 714.02. The support for any amendments made should also be specifically pointed out. See M.P.E.P. § 2163.06.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 - 20 rejected under 35 U.S.C. 102(e) as being anticipated by the reference of Lagod et al. (US 6583521 B1). The reference of Lagod discloses the features of the claimed invention as follows:

1. Apparatus of connecting a secondary power source to electrical loads (**see figs. 1a - 2**) that are designated for removal from a primary power source during times requiring load reduction (**e.g. at least 3:64 - 4:15**), comprising: a remotely controllable secondary load reduction transfer switch (**any one of switches 16a - 16d**); logic (**5:59 - 9:10**) that enables the remotely controllable secondary load reduction transfer switch to operate only when primary power is available and when commanded to do so; and a command process for sending a command for one or more remotely controllable secondary load reduction transfer switches that is transferred to the logic of the one or more remotely controllable secondary load reduction transfer switches to cause them to connect a secondary power source to electrical loads coupled thereto that are designated for disconnection from the primary power source during times requiring load reduction.
2. The apparatus recited in claim 1 wherein the secondary power source comprises a standby power generator (**14**).
3. The apparatus recited in claim 1 wherein the remotely controllable secondary transfer switch is wirelessly controlled (**7:50-63**).
4. The apparatus recited in claim 1 wherein the command process substantially simultaneously commands a plurality of remotely controllable secondary load reduction transfer switches to cause them to connect a secondary power source to electrical loads coupled thereto that are designated for disconnection from the primary power source during times requiring load reduction (**5:59 - 9:10**).
5. The apparatus recited in claim 1 wherein the logic and command process are operative to locally measure the electrical load, and automatically transfer selected loads to the secondary power source via the secondary load reduction transfer switch if power demand approaches a threshold set by a user (**4:66 - 5:21**).

6. The apparatus recited in claim 1 which comprises a plurality of remotely controllable secondary load reduction transfer switches and logic that enables the plurality of remotely controllable secondary load reduction transfer switches **(5:59 – 9:10)**.

7. An electrical power distribution system comprising: a primary power source; an electrical breaker panel that distributes power to a plurality of loads comprising non-critical loads, critical loads, and load reduction loads; a secondary power source; an automatic transfer switch for distributing power to the critical loads from the secondary power source if power is not available from the primary power source; a load reduction transfer switch, wired in parallel to the automatic transfer switch, for distributing power to the load reduction loads to reduce power demand on the primary power source **(see figs. 1a - 2)**.

8. The system recited in claim 7 wherein the automatic transfer switch is designed to connect its critical loads to the secondary power source only in the absence of power from the primary power source **(4:54-60)**.

9. The system recited in claim 7 wherein the load reduction transfer switch is designed so that it cannot normally connect the standby power generator to the load reduction loads in the absence of power from the primary power source **(inherent in the disclosure of the critical loads being connected to the secondary power sources as disclosed in 4:1-27)**.

10. The system recited in claim 7 wherein operation of the automatic transfer switch and load reduction transfer switch are mutually exclusive **(see 1a – 2)**.

11. The system recited in claim 7 wherein the load reduction transfer switch allows the secondary power source to power the load reduction loads while power from the primary power source is available, independently from the critical loads that are powered by the secondary power source in the case of loss of power from the primary power source **(5:59 – 9:10)**.

12. The system recited in claim 7 wherein the automatic transfer switch includes control logic circuitry comprising: a two position contactor operative such that in one position, the breaker panel is connected to the primary power source, and in the other position, the breaker panel is connected to the secondary power source; and a transfer switch control circuit that (1) senses the presence or absence of voltage from primary power source, and if the voltage is lost, provides a start signal to the secondary power source, causing it to begin producing power, (2) monitors power produced by the secondary power source, and when a stable voltage and frequency are reached, initiates transfer of power to the loads

from the primary power source to the secondary power source; and (3) selectively controls an actuator via a control signal to cause the power transfer from the primary power source to the secondary power source and vice-versa (5:1-22)

13. The system recited in claim 7 wherein the load reduction transfer switch includes control logic circuitry comprising: a two position contactor operative such that in one position, the breaker panel is connected to the primary power source, and in the other position, the breaker panel is connected to the secondary power source; a transfer switch control circuit that (1) senses the presence or absence of voltage from the primary power source, and if the voltage is lost, provides a start signal to the secondary power source, causing it to begin producing power, (2) monitors power produced by the secondary power source, and when a stable voltage and frequency are reached, initiates transfer of power to the loads from the primary power source to the secondary power source; and (3) selectively controls an actuator via a control signal to cause the power transfer from the primary power source to the secondary power source and vice-versa; and a load reduction control circuit for receiving a command that applies power from the primary power source to an actuator that breaks connection of the voltage to the transfer switch control circuit and initiates startup of the secondary power source, the transfer of power to the load reduction loads, and that keeps the transfer switch from operating if power from the primary power source is absent (5:1 – 6:29).

14. The system recited in claim 13 wherein the load reduction control circuit comprises a wireless load reduction control circuit (7:50-63).

15. The system recited in claim 7 wherein the load reduction transfer switch is operative to locally measure electrical load, and automatically transfer selected loads to the secondary power source via the load reduction transfer switch if power demand approaches a threshold (4:66 – 5:22).

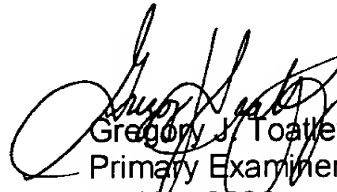
16. The system recited in claim 7 which comprises a plurality of load reduction transfer switches that transfer selected loads to the secondary power source (see 1a – 2).

The methods as described in claims 17- 20 flow from the description of the system of the invention of the reference of Lagod et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Toatley, Jr. whose telephone number is 703-308-7889. The examiner can normally be reached on Mon. - Fri. 7:00 a.m. to 3 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703) 308-3119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.


Gregory J. Toatley, Jr.
Primary Examiner
Art Unit 2836

GKT Jr.